

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-160649
	:	TRIAL NO. B-1600534
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
ERIC SIMS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Eric Sims pleaded guilty to three counts of violating a protection order. The trial court sentenced him to consecutive prison terms on all three counts for a total of two years and ten months. Sims now questions whether the trial court sufficiently stated its rationale for consecutive-sentences in open court. We affirm.

In his sole assignment of error, Sims argues that the trial court erred when it sentenced him to consecutive sentences without announcing the consecutive-sentences findings in open court.

In order to impose consecutive sentences under R.C. 2929.14(C)(4), the court must perform a three-step analysis and make certain findings. *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 37; *State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 13 and 16. First, the court must find that consecutive sentences are necessary to protect the public or to punish the offender. Second, the court must find that consecutive sentences are not disproportionate to the offender's conduct and to the danger the offender poses to the

public. Finally, the court must find that at least one of the following applies: (1) the offender committed one or more of the offenses while awaiting trial or sentencing, while under a sanction imposed under R.C. 2929.16, 2929.17, or 2929.18, or while under postrelease control for a prior offense; (2) at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the offenses was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct would adequately reflect the seriousness of the offender's conduct; or (3) the offender's criminal history demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender. *Alexander* at ¶ 15.

Here, the trial court did not recite the consecutive-sentences requirements verbatim from the statute in open court. However, as long as the findings for the sentences are apparent from the record, no talismanic words are required. *Id.* at ¶ 16. It is clear from the record that, in determining the appropriate sentences, the court weighed the severity of Sims's conduct, Sims's repeated violations of court orders and willingness to do so in ways that he believed the court and the victim's parents would not discover, and the impact on the victim and her family. The trial court imposed consecutive sentences because it found that (1) doing so was necessary to punish Sims, (2) consecutive sentences would not be disproportionate to Sims's conduct and the danger he poses to the public, and (3) Sims's criminal history demonstrates that consecutive sentences are necessary to protect the public from future crime by Sims.

As a result, we overrule Sims's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., MILLER and DETERS, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on April 12, 2017

per order of the court _____.

Presiding Judge